

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| GRAYLING DAVIS, |) | |
| Petitioner, |) | |
| |) | Civil Action No. 04-10386-MLW |
| v. |) | |
| |) | |
| BERNARD BRADY, |) | |
| Respondent. |) | |
| <hr/> |) | |

RESPONDENT'S MOTION FOR A BRIEFING SCHEDULE

The respondent, Bernard Brady, through undersigned counsel, hereby requests that this Court permit him to file a memorandum addressing the merits of the instant habeas corpus petition by April 18, 2005, a period of forty-five days from the date of filing this motion. Undersigned counsel states that this case was reassigned to him when a colleague left the office of the Attorney General. Since the time this case was assigned to him, undersigned counsel has been engaged in numerous additional matters including; filing a brief in the First Circuit Court of Appeals in *Morris v. Verdini*, No. 04-1758, on February 18, 2005; filing a petition for relief in the Supreme Judicial Court for Suffolk County, on behalf of the Massachusetts State Police in the case of *Commonwealth v. Jose Fernandez*, No. S.J. 2005-0089, on March 1, 2005; and preparing for and appearing at a hearing before the Supreme Judicial Court for Suffolk County on March 3, 2005, in the matter of *Joel Pentlarge v. Commonwealth*, No. S.J. No. 2005-0022.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Daniel I. Smulow
Daniel I. Smulow
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Dated: March 4, 2005

Certificate of Compliance with Local Rule 7.1(A)(2)

I, Daniel I. Smulow, hereby certify that I communicated by telephone with James Fox, counsel for the petitioner, on Friday March 4, 2005, and he assented to this motion.

/s/ Daniel I. Smulow